

Notice of Allowability

Application No.

09/884,639

Examiner

Willie J. Daniel, Jr.

Applicant(s)

HALKOSAARI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/21/2005.
2. ☒ The allowed claim(s) is/are 1-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 21 October 2005. **Claims 1-22** are now pending in the present application.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

- a. It was not executed in accordance with either 37 CFR 1.66 or 1.68.
 - b. The 1st inventor indicates the signature date is "22.8.2001". The Examiner interprets as 22 August 2001. Subsequent the signing by the first inventor, the 2nd - 5th inventors signed the declaration in the month of September 2001. The Examiner requests clarification of the validity of the signature dating since the fax timestamp indicates "Aug-16-2001" which pre-dates the signatures of the inventors.
 - c. The year provided by the 2nd inventor's signature date is not legible.
 - d. Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c). The 4th inventor's post office address and 5th inventor's name has been altered.
 - e. The 5th inventor failed to sign on the signature line.
3. Applicant is now required to submit a substitute declaration or oath to correct the deficiencies set forth *in this communication*. The substitute oath or declaration must be filed

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within the THREE MONTH shortened statutory period set for reply in the “Notice of Allowability” (PTO-37). Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136. Failure to timely file the substitute declaration (or oath) will result in **ABANDONMENT** of the application. The transmittal letter accompanying the declaration (or oath) should indicate the date of the “Notice of Allowance” (PTOL-85) and the application number in the upper right hand corner.

4. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review and clarify the issues as listed above as well as any other issue(s) that are not listed.

EXAMINER’S AMENDMENT

5. An examiner’s amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner’s amendment was given in a telephone interview with Joseph Gamberdell (Reg. No.: 44,695) on 04 January 2006.

The application has been amended as follows:

Claims

- a. On line 19 of **Claim 1**, “top end to the bottom end” has been replaced with --top end--.

Allowable Subject Matter

6. **Claims 1-22** are allowed.

REASONS FOR ALLOWANCE

7. The following is an examiner's statement of reasons for allowance:

Regarding **claims 1, 12, and 19**, the combination of the applied references Phillips, Ford, Nothnagel, Curtis, and Carlson fails to disclose or render obvious, the features of applicant's arguments, see pg. 8, section 3 and pg. 10, section 7, filed 21 October 2005. Therefore, the applicant's arguments with respect to claims 1, 12, and 19 have been fully considered and are persuasive.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. Yamada (US 6,349,824 B1) discloses a "Watertight Equipment Cover".
 - b. Shigeru (JP 11-216010 A) discloses a "Cover For Portable Telephone Set".
 - c. Hiroshi (JP 2000-069536) discloses a "Water-proof Case For Portable Telephone Set And PHS".

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- d. Mitchell (US 6,082,535) discloses a "Protective Covering For A Cell Phone Or A Pager".
 - e. Fuller (US 4,584,718) discloses a "Waterproof Enclosure For Portable Radio Or Tape Player".
 - f. Clark et al. (US 5,526,526) discloses a "Survival Radio".
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WJD,JR
05 January 2006